



HUMAN SERVICES COMMITTEE

Tuesday, February 7, 2023

Conditional Support for SB 58, An Act Concerning Conservator Compensation By Medicaid Applicants and Recipients

My name is Jean Mills Aranha. I am a volunteer attorney for Connecticut Legal Services, a non-profit legal aid agency. I recently retired from its Elder Law Unit. On behalf of our low-income elderly clients, who reside in nursing homes and residential care homes, and my sister legal aid organizations, I am submitting my testimony of conditional support for **SB 58, An Act Concerning Conservator Compensation By Medicaid Applicants and Recipients**. We appreciate the opportunity to express our views on this piece of legislation that is before you today.

Section 1 of SB 58 would require the Department of Social Services to seek federal approval to amend the state Medicaid plan to allow deductions from the income of conserved nursing home residents to pay for their conservator fees, probate filing fees, premiums for probate bonds, and other fiduciary expenses approved by the Probate Court.

We do not object to this concept, but it is important that deductions for conservator costs and probate court fees and expenses be deducted only after the other currently permissible federal deductions essential to the well-being of the individual and his or her family members, are paid out first. Currently permissible deductions should be prioritized in case there is not income available to cover all such deductions in addition to what is being proposed by SB 58.

In general, nursing home residents on Medicaid are required to pay all of their income towards the cost of their care in the nursing home, except for:

- a personal needs allowance,
- for residents with a minor child, a family allowance,
- for married residents, a diversion of income to the community spouse,
- unpaid medical expenses, and
- a community allowance to maintain a home if the resident is expected to return home within six months.

If the conserved nursing home resident has income remaining after deducting these expenses, the fees proposed by SB 58 could be deducted.

To address our concerns, we suggest adding the following sentence at the end of Sec. 1(a):

“Any such qualified deduction for conservator expenses and probate court fees and expenses shall only be made to applied income after all other deductions provided in the state Medicaid plan in effect on January 1, 2024, have already been made.”

Thank you for your time and interest.

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